

ORDINANCE NO. 94- 13

A COUNTYWIDE ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN
AS THE NATURAL AREAS ORDINANCE; PROVIDING FOR A SHORT
TITLE AND APPLICABILITY; SETTING OUT PROHIBITED AND
PERMITTED ACTIVITIES; PROVIDING FOR OPERATING HOURS AND
VEHICULAR CONTROL; PROVIDING FOR ENFORCEMENT; PROVIDING
FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF
LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain environmentally sensitive lands containing high-quality native ecosystems characteristic of southern Florida have become publicly-owned through acquisition or lease by Palm Beach County; and

WHEREAS, these natural areas are part of the heritage of Palm Beach County's citizens; provide opportunities for passive recreation, environmental education, and scientific research; serve as show places for residents and visitors; and enhance the overall quality and diversity of life in Palm Beach County; and

WHEREAS, these natural areas provide habitat for plant and animal species, including resident and migratory wildlife; and

WHEREAS, endangered, threatened, and rare plant and animal species, and species of special concern to the State of Florida are ecologically dependent upon these natural areas; and

WHEREAS, these natural areas also provide important and valuable support services such as groundwater retention and recharge, flood and erosion control, and enhancement of air and water quality; and

WHEREAS, Palm Beach County will manage these natural areas to preserve and maintain their natural functions and values; and

WHEREAS, alteration or misuse of these natural areas will cause an irreparable aesthetic, educational, scientific, and cultural loss to the citizens of and visitors to Palm Beach County, and will result in potential harm to, and degradation of, groundwater, surface waters, air quality, and native plant and animal populations; and

WHEREAS, the Board of County Commissioners desires to prevent the harm recited above and protect and maintain the native biological diversity of County-managed natural areas by promulgating appropriate regulations to govern public use of these natural areas.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

Section 1. SHORT TITLE; APPLICABILITY.

1.01 This Ordinance shall be known as the "Palm Beach County Natural Areas Ordinance."

1.02 The recitations set forth in the "WHEREAS" paragraphs above are incorporated by reference herein as findings of fact upon which this Ordinance is based.

1.03 All provisions of this Ordinance shall be effective within the unincorporated and incorporated areas of Palm Beach County, Florida, and shall set restrictions, constraints, and requirements to protect and preserve County-managed natural areas.

1.04 This Ordinance shall be liberally construed to effect the purposes set forth herein.

Section 2. AUTHORITY.

This Ordinance is adopted under the authority of Chapter 125,
Florida Statutes.

Section 3. PURPOSE.

The purpose of the Ordinance is to preserve and protect in perpetuity County-managed natural areas by regulating public uses of these lands.

Section 4. DEFINITIONS.

The following terms when used in this Ordinance shall have the meanings ascribed to them in this section:

Department means the Department of Environmental Resources Management.

Natural area means all public lands containing high-quality native ecosystems that are under the control of or assigned to the Department for management, maintenance, and operation.

Natural areas property means all structures, facilities, plants, and animals contained within a natural area.

Parking area means a specially designed and publicly designated area set aside for the standing or temporary stationing of vehicles.

1 *Permit* means a document or certificate provided by the County
2 Administrator or his designee granting permission to conduct or
3 take part in a specific activity at a specific location.

5 *Vehicle* means any wheeled conveyance for transportation of
6 persons or materials whether:

8 (1) Powered or drawn by motor such as an automobile, truck,
9 motorcycle, scooter, or minibike.

10 (2) Animal-drawn such as a carriage, wagon, or cart.

12 (3) Self-propelled such as a bicycle.

15 *Watercraft* means any boat, kayak, canoe, raft, houseboat,
16 barge, vessel, ship or any other floating device capable of
17 transporting humans or objects over water.

18 **Section 5. SCOPE.**

20 This Ordinance applies only to County-owned or County-
21 controlled natural areas and natural areas property that is
22 assigned to the Department of Environmental Resources Management
23 for management, maintenance and operation. Department staff and
24 other authorized persons working under staff supervision shall be
25 exempt from the provisions of this Ordinance when performing
26 activities related to management plans.

28 **Section 6. BUILDINGS AND OTHER PROPERTY.**

29 (a) No person shall willfully mark, deface, or damage in any
30 way, or displace, remove or tamper with, any natural area building,
31 fence, educational or informational structure, walkway, bridge,
32 bench, railing, public utility, paving or paving material, or part
33 or appurtenance thereof, natural area sign, notice or placard,
34 monument, stake, post, or other boundary marker, or other structure
35 or equipment, facility or natural area property or appurtenance
36 that is located on a natural area.

38 (b) No person shall dig, move, or remove from any natural area
39 any sand, soil, rocks, stones, trees, shrubs, or plants, fallen
40 timber, or other wood or materials, or make any excavation by tool,
41 equipment, blasting or other means.

43

1 **Section 7. PLANT AND WILDLIFE PROTECTION AND PRESERVATION.**

2 (a) Within any natural area, no person shall cut, carve, or
3 damage the bark, or break off limbs or branches or mutilate in any
4 way, or pick the flowers or seeds, of any tree or plant, or shrub,
5 nor shall any person dig in or disturb grassy areas, or transplant
6 or remove any tree or plant or part thereof, or in any other way
7 damage or impair the natural beauty or usefulness of any natural
8 area, nor shall any person deposit any debris or material on or
9 about any tree or plant.

10 (b) Within any natural area, no person shall molest, harm,
11 frighten, kill, trap, hunt, chase, shoot, throw objects at, harass,
12 feed, or otherwise inhibit the natural movements and habits of any
13 invertebrate, mammal, amphibian, reptile, fish or bird. No person
14 shall remove or have in his or her possession the young of any wild
15 animal, or the eggs or nests of any amphibian, reptile, fish, bird
16 or invertebrate. The provisions of this section applying to fishes
17 are not applicable in designated fishing areas.

18 (c) In order to prevent disruption of natural ecosystems and
19 the spread of disease, no person shall introduce, plant, or release
20 any plant or animal into any natural area.

21 **Section 9. FIRES.**

22 No person shall build or attempt to build, light, or cause to
23 be lighted any fire or fires within any natural area unless given
24 permission under a written permit from the County Administrator or
25 his designee. No person shall drop, throw, or otherwise deposit
26 lighted matches, burning cigarettes or cigars, tobacco paper, or
27 other flammable materials within any natural area or on any county
28 highway, road or street abutting or contiguous thereto.

29 **Section 10. BOATING.**

30 (a) All provisions of Chapter 327, Florida Statutes, shall
31 apply to County-managed natural areas waters.

32 (b) No person shall launch or operate any watercraft upon any
33 watercourse, lagoon, lake, canal, pond, marsh, wet prairie or
34 slough within a natural area except at such places that are
35 designated for such use by the Board of County Commissioners or the
36 County Administrator or his designee.

37 (c) No person shall operate, moor, or anchor any watercraft
38 within the waters of any natural area in a manner that results in
39 damage or harm to the vegetation, wildlife or shoreline.

1 **Section 11. FISHING.**

2 Except where specifically designated, fishing, or the buying
3 or selling of fish caught in any natural area waters, is prohibited
4 in all natural areas.

5 **Section 12. PROHIBITED ACTIVITIES.**

6 The following are prohibited in County-managed natural areas:

7 (a) Hunting, trapping, or the possession of any kind of
8 trapping device. Licensed hunters and trappers authorized by the
9 County Administrator or his designee to remove nuisance and exotic
10 animals are exempt from this prohibition, as are licensed hunters
11 authorized by the County Administrator or his designee to reduce
12 excessive populations of animals causing environmental damage in a
13 natural area.

14 (b) Use of firearms or other weapons potentially inimical to
15 wildlife and dangerous to human safety by persons other than
16 authorized law enforcement personnel and persons authorized to
17 remove nuisance and exotic animals. This prohibition includes
18 shooting into a natural area from beyond the boundaries of the
19 natural area.

20 (c) The sale, purchase, consumption, or possession of
21 alcoholic beverages as defined in Section 561.01(4), Florida
22 Statutes.

23 (d) Use, discharge or possession of fireworks, explosives, or
24 substances that could be combined into an explosive mixture.

25 (e) Domestic animals and pets.

26 (f) Placement of beehives or other apicultural practices.

27 (g) Cultivation of plants.

28 (h) Vehicle repair.

29 (i) Use of airboats.

30 (j) Loud, unnecessary noise that disturbs wildlife and
31 produces physical discomfort or annoyance to other people.

32 (k) Possession and release of inflated balloons.

1 **Section 13. ACTIVITIES REQUIRING A SPECIAL PERMIT.**

2 The following activities may be allowed only if a written
3 permit is obtained from the County Administrator or his authorized
4 designee. Written terms and conditions shall accompany each permit
5 and a fee will be charged as set by resolution of the Board of
6 County Commissioners. The decision on whether or not to issue a
7 permit will be based on the potential for damage to the natural
8 resources of the site, the carrying capacity for that particular
9 use, and any conflicts with a previously-issued permit for the same
10 use. The activities requiring a special permit are:

11 (a) Camping.

12 (b) Erection of temporary or permanent structures.

13 (c) Horseback riding.

14 (d) Public demonstrations and gatherings.

15 (f) Collection of plant and animal specimens and use of
16 watercraft in wetlands for scientific research.

17 (g) After-hours and night-time use of natural areas.

18 **Section 14. MERCHANDISING, ADVERTISING AND SIGNS.**

19 (a) No person shall expose or offer for sale, rent or trade,
20 any article or thing, or station or place any stand, cart, or
21 vehicle, for the transportation, sale or display of any article,
22 merchandise, or other item within the limits of any natural area.

23 (b) No person shall use the natural area roadways or paths, or
24 enter any natural area, for the purpose of announcing, displaying,
25 advertising or calling attention to any person, political party,
26 religious institution, or meetings or assemblies thereof, or for
27 the purpose of demonstrating, advertising or calling attention to
28 any article or service for sale or for hire, nor shall any signs,
29 slogans, loudspeakers or advertising display be used for such
30 purposes unless a written permit allows such activity.

31 (c) No person shall display, distribute, post, paste, glue,
32 tack, or otherwise fix any handbill, pamphlet, circular, sign,
33 placard or any other printed matter containing advertising within
34 any natural area or upon any natural area tree, fence or other
35 structure.

1 **Section 15. POLLUTION OF WATERS.**

2 No person shall throw, discharge, or otherwise place or cause
3 to be placed in the waters of any pond, lake, canal, slough, marsh,
4 wet prairie, lagoon, or any other body of water or wetland in any
5 natural area, any substance, matter, object or item which will or
6 may result in pollution of said waters.
7

8 **Section 16. REFUSE AND TRASH.**

9 No person shall take into, dump or deposit on land of, or
10 leave in, any natural area or county road abutting such natural
11 area, bottles, broken glass, ashes, paper, boxes, cans, dirt,
12 construction or agricultural debris, rubbish, waste, garbage,
13 refuse, or any other solid or liquid discard. Such discard shall
14 be placed in the proper receptacles where provided on a natural
15 area. Where receptacles are not provided, all such discard shall
16 be carried away from the natural area and properly disposed of by
17 the person responsible for its presence.
18

19 **Section 17. PUBLIC UTILITIES.**

20 No entity shall be allowed to place any new public service
21 utility into, upon, or across natural area lands except by prior
22 written permit from the County Administrator or his designee.
23

24 **Section 18. CLOSING OF NATURAL AREAS.**

25 (a) Each natural area managed by the County shall be open to
26 the public at hours and days that are determined to be appropriate
27 and adopted as part of the management plan for that natural area.
28 These hours shall be posted at each natural area.
29

30 (b) The County Administrator or his designee may declare any
31 section of a natural area closed to the public, either temporarily
32 or at regular stated intervals, in order to protect natural
33 resources or for public safety reasons. No person shall enter
34 upon any part of any natural area which is withheld from general
35 public usage in the interest of natural resource protection, public
36 safety, health and/or welfare.
37

38 (c) No person shall remain in any natural area during the
39 hours that the natural area is closed, unless he or she has a
40 permit.
41

Section 19. VEHICLES.

(a) All state vehicle laws and County traffic regulations shall be applicable in all natural areas. Municipal traffic ordinances shall be applicable in those natural areas located within municipalities .

(b) No person shall drive, operate, or propel any vehicle outside the boundaries of designated paved or improved natural area access roads or driveways unless specifically authorized by the County Administrator or his designee.

(c) No person shall park any vehicle on a natural area at any place other than a designated parking area without prior authorization from the County Administrator or his designee. No person shall park any vehicle in a manner that blocks or impedes access to a parking area or access road. No vehicle shall be left in a parking area overnight without prior authorization by the County Administrator or his designee.

Section 20. ENFORCEMENT.

(a) It shall be the duty and responsibility of law enforcement officials to, within their jurisdiction, enforce all state laws, municipal ordinances, County ordinances, and County traffic regulations within and adjacent to the limits of all natural areas maintained and operated by the Department.

(b) It shall be unlawful for any person to do any act forbidden, or fail to perform any act required, by this Ordinance or for any person to fail to comply with any lawful and reasonable order given by law enforcement officers or authorized Department officials. It shall be the duty and responsibility of law enforcement officers and authorized Department officials to enforce all natural areas rules.

Section 21. PENALTIES.

The violation of any provision of this Ordinance shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment in the County jail not to exceed sixty (60) days, or by both such fine and imprisonment, or by such other penalty as may hereafter be provided in Section 125.69, Florida Statutes.

1 **Section 22. REPEAL OF LAWS IN CONFLICT.**

2 All local laws and ordinances applying to the unincorporated
3 areas of Palm Beach County in conflict with any provisions of this
4 Ordinance are hereby repealed to the extent of such conflict.
5

6 **Section 23. MUNICIPAL ORDINANCES AND LAND DEVELOPMENT**
7 **REGULATIONS.**

8 This Ordinance does not supersede any municipal ordinance or
9 land development regulation.
10

11 **Section 24. SEVERABILITY.**

12 If any section, paragraph, sentence, clause, phrase or word of
13 this Ordinance is for any reason held by a court to be
14 unconstitutional, inoperative or void, such holding shall not
15 affect the remainder of this Ordinance.
16

17 **Section 25. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

18 The provisions of this Ordinance shall become and be made
19 part of the Code of Laws and Ordinances of Palm Beach County,
20 Florida. The sections of this Ordinance may be renumbered or
21 relettered to accomplish such, and the word "ordinance" may be
22 changed to "section", "article", or any other appropriate word.
23

24 **Section 26. EFFECTIVE DATE.**

25 This Ordinance shall become law upon receipt of
26 acknowledgement from the Secretary of State.
27

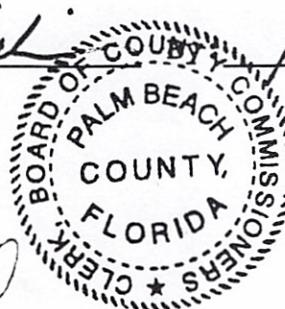
28 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
29 Beach County, Florida, on the 21st day of June, 1994.
30

31
32 ATTEST:
33 Dorothy H. Wilken, Clerk
34 Board of County Commissioners
35

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

36 By: Barbara A. Milne Deputy Clerk
37 _____
38

Mary McCarthy Chair



40 APPROVED AS TO FORM AND
41 LEGAL SUFFICIENCY
42 _____
43

44 _____
45 _____
46 _____
47 _____
48 _____
49 _____
50 _____
51 _____
52 _____
53 _____
54

Acknowledgement by the Department of State of the State of
Florida, on this, the 24th day of June, 1994.

1 EFFECTIVE DATE: Acknowledgement from the Department of State
2 received on the 27th day of June, 1994, at 1:07 P..M., and
3 filed in the Office of the Clerk of the Board of County
4 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on June 21, 1994.

DATED at West Palm Beach, FL on 6/29/94.
DOROTHY H. WILKEN, Clerk
By: Dorothy H. Wilken D.C.

